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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,518	07/07/2000	Jae-Yoel Kim	678-509 (P9463)	6612
28249	7590	05/18/2006	EXAMINER	
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			COLIN, CARL G	
			ART UNIT	PAPER NUMBER
			2136	
DATE MAILED: 05/18/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/611,518	Applicant(s) KIM ET AL.	
	Examiner Carl Colin	Art Unit 2136	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1, 21 and 31-47.
 Claim(s) withdrawn from consideration: 48-53.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see note below.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
 13. ☐ Other: _____.

Continuation of 3. NOTE: Applicant has cancelled claims 48-53 and added new claims 54-70 with new limitations reciting at least "generating scrambling codes in mobile communication system having a scrambling code generator, the method comprising steps of: generating $((K-1)*M+K)$ th gold code as a Kth primary scrambling code, where K is a natural number and M is a total number of secondary scrambling codes per one primary scrambling code; and generating $((K-1)*M+K+1)$ th through $(K*M+K)$ th gold codes as secondary scrambling codes associated with the Kth primary scrambling code, wherein the Lth Gold code is generated by adding an (L-1) times shifted first m-sequence and a second m-sequence" as per claim 54. Regarding claim 54, it is noted that the support provided by applicant with respect to the claim limitations is not consistent with the page numbers cited by applicant. Applicant mentions that new claims are described in the specification on pages 12-16 and illustrated in figure 9. However, pages 12-16 do not correspond to figure 9. On the other hand, Figure 9 is only discussed on pages 18-19. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections. In view of the above the proposed amendments will not be entered as they present new issues that would require further search/consideration. Regarding applicant's arguments with respect to claims 1 and 21. Examiner asserts that the arguments provided by the Examiner in the previous office action are correct and managing and assigning are not fully contained in claims 1 and 21 contrarily to as argued by applicant. For instance, applicant's interpretation of "managing a scrambling code" equates to "a relationship between the scrambling codes" is not reasonable to one of ordinary skill in the art. In addition, regarding claims 1 and 21 citing "masking the first shift register to generate a third m-sequence wherein the masking step shifts the first m-sequence cyclically by L chips to generate and Lth secondary code associated with the primary code", applicant argues (page 11, lines 2-5) that claims 1 and 21 disclose that wherein the masking step shifts... and then using the masked sequence to generate a third m-sequence and further argues (p.12, lines 7-12) that the claims 1 and 21 disclose wherein the masking step shifts the first m-sequence cyclically by L chips to generate and Lth secondary code associated with the primary code as the relationship between the primary and the secondary codes that is the Lth secondary code is the result of adding the second m-sequence and an L-times shifted the first m-sequence associated with the primary scrambling code. Examiner respectfully disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies above are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The arguments presented by applicant with respect to Dahlman and Burns have already been addressed in the previous final Office Action. For at least the reasons cited above, and in the last Office action, the request for reconsideration has been considered but does not place the application in condition for allowance.



AYAZ SHEIKH

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100